



*Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150-2358*

Jean M. Lorizio, Esq.
Chairman

NOTICE OF SUSPENSION

June 8, 2022

**MAINSTSPORTS INC. D/B/A MAIN ST SPORTS BAR
39 MAIN STREET
PLYMOUTH, MA 02360
LICENSE#: 05322-RS-0984
VIOLATION DATE: 12/18/2021
HEARD: 4/05/2022**

After a hearing on April 5, 2022, the Commission finds MainStSports, Inc. d/b/a Main St. Sports Bar violated 204 CMR 2.05 Permitting an illegality, to wit: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). The Commission **suspends the license for a period of two (2) days to be served.**

The suspension shall commence on Monday, July 25, 2022, and terminate on Tuesday, July 26, 2022. The license will be delivered to the Local Licensing Board or its designee on Monday, July 25, 2022, at 9:00 A.M. It will be returned to the licensee on July 27, 2022.

You are advised that pursuant to the provisions of M.G.L. c.138 §23, you may petition the Commission to accept an offer in compromise in lieu of suspension within twenty (20) calendar days following such notice of such suspension. If accepted, you may pay a fine using the enclosed form which must be signed by the Licensee and a Massachusetts Licensed Accountant.

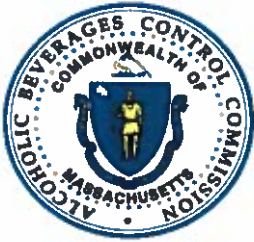
You are advised that you have the right to appeal this decision under M.G.L. c. 30A to Superior Court within thirty (30) days upon receipt of this notice.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Jean M. Lorizio
Chairman

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cc: Local Licensing Board
Frederick G. Mahony, Chief Investigator
Kyle E. Gill, Esq., Associate General Counsel
Nicole Terasconi, Investigator
John David, Investigator
Albert DeNapoli, Esq.
Administration, File



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DECISION

**MAINSTSPORTS INC. D/B/A MAIN ST SPORTS BAR
39 MAIN STREET
PLYMOUTH, MA 02360
LICENSE#: 05322-RS-0984
VIOLATION DATE: 12/18/2021
HEARD: 4/05/2022**

MainStSports, Inc. d/b/a Main St. Sports Bar (the "Licensee") holds an alcohol license issued pursuant to M.G.L. c. 138, § 12. The Alcoholic Beverages Control Commission ("ABCC" or "Commission") held a remote hearing via Microsoft Teams on Tuesday, April 5, 2022, regarding an alleged violation of 204 CMR 2.05 Permitting an illegality, to wit: M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Prior to the commencement of the hearing, the Licensee stipulated to the facts alleged in Investigator Terasconi's report.

The following documents are in evidence:

1. Investigator Terasconi's Report;
2. ABCC Approval Cover Sheet, Transfer of License approved, 11/21/2019;
3. Licensee's Stipulation of Facts.

There is one (1) audio recording of this hearing.

FINDINGS OF FACT

1. On Friday, December 17, 2021, at approximately 9:00 p.m., Investigators David and Terasconi ("Investigators") inspected MainStSports, Inc. d/b/a Main St. Sports Bar to determine the manner in which their business was being conducted.
2. Investigators observed an unknown male individual ("UM") who appeared to be intoxicated.
3. Investigators observed the UM was unsteady on his feet as he approached the bar. He leaned on the bar and appeared to hold onto it for support. Investigators observed the UM had glassy eyes and seemed to stare blankly for a prolonged period of time.

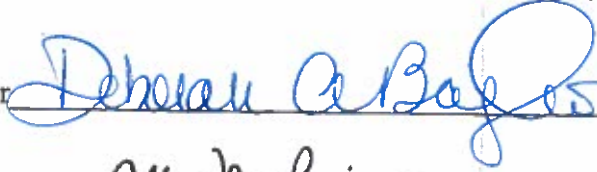
4. The UM tried to make conversation with Investigator David, who observed that his speech was slurred and his words unintelligible.
5. Based on their training and experience, Investigators determined the UM was intoxicated.
6. Investigators observed the UM was in possession of an almost full glass of vodka and soda mixed drink, which he quickly consumed.
7. Investigators observed the UM place an order for a vodka and soda mixed drink. While waiting for his drink, he stared blankly at Investigators with glassy eyes. At times his eyes were half-shut and he leaned on the bar for support.
8. Investigators observed the bartender deliver the vodka and soda mixed drink to the UM, who proceeded to drink it.
9. Investigators contacted Investigators Binienda and Gardner, who were waiting outside of the licensed premises, and informed them of their observations.
10. Investigators Binienda and Gardner entered the licensed premises and identified themselves to the manager on duty. They advised her that the UM was intoxicated and was served an alcoholic beverage by the bartender. The manager informed Investigators the bartender was a new employee and that she would speak to him.
11. Investigators Binienda and Gardner then approached the UM who informed them that he lived less than a mile away from the bar and he would walk home with his cousin.
12. Investigators Binienda and Gardner informed the manager of the violation and that a report would be filed with the Chief Investigator for further review.
13. Mr. Phil Corbo, Licensee, appeared at the Commission hearing. He testified the health and safety of the public is a priority. Mr. Corbo explained that prior to this incident, he had already contracted with a liquor auditor who comes to the licensed premises every two weeks to measure pours of alcohol and to assist with instituting good systems and controls regarding alcohol. Mr. Corbo testified all staff members are TIPS trained. In addition, every few months he holds a staff meeting to reiterate serving policies and pour sizes. The employee who served the UM was suspended and Mr. Corbo held a separate remediation training session with him.
14. The Licensee has held a license under M.G.L. c. 138, § 12 since 2019 with no previous violations.

CONCLUSION

Based on the evidence, the Commission finds the Licensee violated M.G.L. c. 138, § 69 – Sale or delivery of an alcoholic beverage to an intoxicated person (1 Count). Therefore, the Commission **suspends the license for a period of 2 days.**

ALCOHOLIC BEVERAGES CONTROL COMMISSION

Deborah Baglio, Commissioner



Jean M. Lorizio, Chairman



Crystal Matthews, Commissioner



Dated: June 8, 2022

You have the right to appeal this decision to the Superior Courts under the provisions of Chapter 30A of the Massachusetts General Laws within thirty (30) days of receipt of this decision.

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2022-000023-ad-enf

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